

DETERMINATION AND STATEMENT OF REASONS

SYDNEY NORTH PLANNING PANEL

DATE OF DETERMINATION	24 November 2020
PANEL MEMBERS	Peter Debnam (Chair), Julie Savet Ward, Brian Kirk, Bernard Purcell
APOLOGIES	Edwina Clifton
DECLARATIONS OF INTEREST	None

Public meeting held by teleconference on 24 November 2020, opened at 11.06am and closed at 12.48pm.

MATTER DETERMINED

PPSSNH-79 – Ryde – LDA2019/0264 at 122 Herring Road, Macquarie Park – Morling College Concept DA (as described in Schedule 1)

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

Development application

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was 3:1 in favour, against the decision was Bernard Purcell.

REASONS FOR THE DECISION

The Panel determined to approve the application for the reasons outlined below and in the Council Assessment Report.

The concept development application does not seek consent for any construction, but rather for a Master Plan with building envelopes, site layout, total floor space and the provision of a future road corridor and public domain layout. The application proposes a mixed-use commercial, retail and residential development across two distinct precincts, known as 'Site A – The College and Baptist Precinct' and 'Site B – The Residential Precinct', which are separated by an internal through-site road.

The concept development application comprises three (3) 14-storey residential building envelopes; two (2) mixed-use envelopes with a varied 3 to 5-storey activated podium and two (2) residential building envelopes above ranging in height from 13 to 14 storeys. The proposal includes a public plaza running north-south with opportunities for activation through provision of restaurants, cafes, childcare and retail uses, a central landscaped publicly accessible open space area in the centre of the site, a future road through the site, as outlined in Council's future road network plan for the area and potential for expansion of underutilised GFA above the Morling College Ministry and Learning Centre (MALC) building (approved under LDA 2017/216).

The development application was assessed in respect of the relevant planning instruments and is generally consistent with the applicable planning controls including Ryde Local Environmental plan (RLEP 2014) and Ryde Development Control Plan (RDCP 2014).

During Council's assessment, the proposal was twice amended. The first set of amended plans were received in February 2020 with the following amendments:

- The footprint and layout of all basement car-parking levels were updated to increase deep soil allowance. This included an increased setback (10 metres) from the adjacent Site B basement to the south-west property boundary;
- The basement car park entry for Building 5 (Site B) was relocated from the rear of building envelope in the western corner to the new road corridor frontage adjacent the Ministry and Learning Centre (MALC). The loading dock remained unchanged;
- An additional basement floor level (Level 3) was provided to Buildings 1 and 2 of Site A;
- The pedestrian path previously located to the south-east of Building 2 adjacent 1 Saunders Close was removed;
- The building footprint of Building 4 was amended to ensure appropriate separation distances with Buildings 3 & 5;
- The Herring Road and Ivanhoe Place intersection was updated to reference the latest concept design prepared by TfNSW; and
- Car parking spaces were increased to facilitate parking required for indicative yield.

The original proposal had a single storey multi-purpose building located in the central location of the site. After Council discussions with the Applicant concerning the lack of open space, further amendments were made to the plans in August 2020 which removed the central multi-purpose hall to accommodate a new landscaped open space area, maximised the site's usable open space and provided a landscaped green corridor which will enhance pedestrian access between Herring Road, the new road corridor and Saunders Close.

The amended proposal was not readvertised or re-notified as there were no changes to the height, bulk or scale or siting of the buildings. The amendments are considered an improvement from the original proposal providing a positive outcome with increased basement setback to the adjoining southern property (enabling a large deep soil planting area), provision of publicly accessible open space and pedestrian connectivity.

In summary, the concept development application is generally consistent with the applicable planning controls, except for non-compliance with setbacks for the lower basement levels, which encroach into the required setback zone. The majority of the Panel consider the variations acceptable, as sufficient soil volumes have been provided to support the establishment of mature tree species and deep root planting. Where possible basement ceiling heights have also been stepped down to provide an increased depth of soil above the proposed structure.

The majority of the Panel concur with Council that the revised concept DA is consistent with the desired future character of the precinct as identified in the relevant planning instruments and policies and will contribute to the economic growth and prosperity of Macquarie Park.

After consideration of the development against section 4.15 of the Environmental Planning and Assessment Act 1979 and the relevant statutory and policy provisions, the majority of the Panel consider the proposal is suitable for the site and is in the public interest. Consequently, the majority of the Panel concur with Council that this development proposal is sound in terms of design, function and its relationship to surrounding sites.

Bernard Purcell voted against approval of the application and notes while residential development in Macquarie Park, as spot rezoning as priority precincts, is appropriate in certain parts of the district, he cannot support this concept development. Reasons for his refusal are:

- There were significant submissions and petitions of objection regarding this development and, while some residents have already bought high-rise apartments in the immediate vicinity, as in 120 Herring Road, they do raise relevant issues. These issues include, but are not confined to, insufficient pedestrian connectivity, loss of solar access / overshadowing, traffic congestion / insufficient infrastructure, reduction of privacy and tree loss;
- Obvious credence given to social infrastructure in terms of affordable housing;

- That the Panel should be consistently looking to address these issues for every development application in Macquarie Park which is a development hotspot of the City of Ryde.
- This development is not in keeping with the views or wishes of the residents of the City of Ryde nor undertaken with the public interest at heart.

CONDITIONS



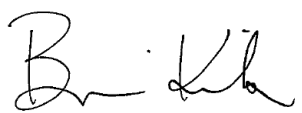

The development application was approved subject to the conditions in the Council Assessment Report.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition and heard from all those wishing to address the public meeting.

The Panel notes issues of concern included pedestrian connectivity, the proximity of buildings, setbacks, traffic congestion, height of buildings, lack of open space, privacy impacts, overshadowing, number of parking spaces, impacts on fauna and flora, inadequate support infrastructure, wind tunnel effects, construction noise & pollution and reduced airflow to existing apartments.

The Panel considers that concerns raised by the community were adequately addressed in the Assessment Report, in Applicant and Council responses during the public meeting and in the conditions.

PANEL MEMBERS	
 Peter Debnam (Chair)	 Julie Savet Ward
 Brian Kirk	 Bernard Purcell

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSNH-79 – Ryde – LDA2019/0264
2	PROPOSED DEVELOPMENT	<p>Concept master plan proposal for the redevelopment of 122-126 Herring Road, Macquarie Park comprising:</p> <ul style="list-style-type: none"> • Building envelopes to accommodate a maximum gross floor area (GFA) of 60,633m²; • Provision of basement car parking across the site and • Road infrastructure, a publicly accessible open space area and public domain layout / concept design.
3	STREET ADDRESS	122 Herring Road, Macquarie Park
4	APPLICANT/OWNER	<p>Applicant: Morling College (Association of Baptist Churches of NSW & ACT) C/ Urbis P/L</p> <p>Owner: Baptist Churches of NSW & ACT</p>
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ Environmental Planning and Assessment Act 1979 ○ State Environmental Planning Policy (Infrastructure) 2007 ○ State Environmental Planning Policy (State and Regional Development) 2011 ○ State Environmental Planning Policy No. 55 – Remediation of Land ○ State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development ○ State Environmental Planning (Vegetation in Non Rural Areas) 2017 ○ Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 ○ Greater Sydney Regional Plan - A Metropolis of Three Cities, 2018 ○ Ryde Local Environmental Plan 2014 • Draft environmental planning instruments: <ul style="list-style-type: none"> ○ Draft Remediation of Land State Environmental Planning Policy ○ Draft Environment State Environmental Planning Policy • Development control plans: <ul style="list-style-type: none"> ○ City of Ryde Development Control Plan 2014 • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil • Coastal zone management plan: Nil • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality • The suitability of the site for the development • Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations • The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council assessment report: 10 November 2020 • Written submissions during public exhibition: 280 individual submissions & 3 separate petitions containing a total of 114 signatures were received objecting to the proposal. • Verbal submissions at the public meeting 24 November 2020: <ul style="list-style-type: none"> ○ Community members - Eyal Karin on behalf of 120 Herring Road, Mei Low, Summer, Lucas Yu, Perperoudis Charalampos, Lynn Zhu, David Robinson, Monique Crane ○ Council assessment officer – Sandra Bailey

		<ul style="list-style-type: none"> ○ On behalf of the applicant – Stephen White, Ian Gray, Ross Clifford
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: 10 June 2020 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam (Chair), Julie Savet Ward, Brian Kirk, Bernard Purcell, Edwina Clifton ○ <u>Council assessment staff</u>: Sandra Bailey, Rebecca Lockart, Sandra McCarry • Final briefing to discuss council's recommendation: 24 November 2020 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam (Chair), Julie Savet Ward, Brian Kirk, Bernard Purcell ○ <u>Council assessment staff</u>: Sandra Bailey, Sandra McCarry, Rebecca Lockart, Daniel Pearse
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report